IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 2950 (SS) of 2001
Old Number
W.P. No. 19204 of 1997

Mehmal Singh
S/o Sri Daya Ram Singh,
R/o 69/1 Jakhan, Rajpur Road,
Dehradun and eight others. **……Petitioners.**

Versus

1. Union of India through Secretary, Ministry of Social Welfare, Government of India, Shastri Bhawan, New Delhi.
2. The Chairman, Executive Council (NIVH) / Joint Secretary, Ministry of Social Welfare, Government of India, Shastri Bhawan New Delhi.
3. Financial Advisor to the Ministry of Social Welfare, NIVH, Government of India, Shastri Bhawan, New Delhi.
4. Director, National Institute for Visually Handicapped (NIVH), 116, Rajpur Road, Dehradun.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri K.N. Joshi, learned counsel for the petitioner, Sri Vikas Pande, learned standing counsel for Union of India on behalf of respondents no. 1 to 3 and Sri Rakesh Thapliyal, learned counsel for the respondent no. 4.

By means of this writ petition, the petitioners have prayed for the following reliefs:

a. Issue a writ order or direction in the nature of Mandamus commanding the respondents to regularize the pay scales of the petitioners since April, 1974 and consequently, they be paid the difference of amount accordingly.

b. *Issue a writ order or direction in the nature of Mandamus commanding the respondents to fix their pension accordance with whatever their last drawn salary comes to after calculating at revised rates and the difference amount be paid.*

c. *Issue a writ order or direction in the nature of Mandamus commanding the respondents to consider the representations of the petitioners.*

d. *Issue any other writ, order or direction or grant such other and further relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

e. *An order for costs in favour of the petitioners.*

Learned counsel for the petitioner has submitted that petitioners had already moved representation dated 16.03.1993 before Secretary, Ministry of Social Welfare, Government of India i.e. respondent no. 1. which is annexed as Annexure no. 12 to the writ petition.

Learned counsel for the petitioners has further submitted that Director, NIVH, has already recommended the matter to respondent no. 1 for consideration of grievance of the petitioners for rationalization of pay scales of the petitioners, however, respondent no. 1 has yet not taken any decision.

In the circumstances stated above, I deem it fit and proper to direct the petitioners to make fresh representation before Director, NIVH, within a period of two weeks from today and Director, NIVH shall forward the same to the concerned authority i.e. respondent no. 1 with his remarks at the earliest. It is expected from respondent no. 1 that he shall take decision on the representation of the petitioners, if the same is

forwarded by the Director, NIVH, as early as possible, preferably within a period of three months from the date of receipt of representation along with remarks of Director, National Institute for Visually Handicapped (NIVH), 116, Rajpur Road, Dehradun i.e. respondent no. 4.

With this direction, the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

April 03, 2007
Sksharma